

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Claims 3, 5, 7 and 20 are amended herein to improve clarity and expression. Claims 12-18 have been withdrawn and Claims 1, 2 and 9 have been cancelled without prejudice or disclaimer. Herein, Claims 19 and 22 are cancelled without prejudice or disclaimer, and new Claims 23 and 24 have been added.

Claims 3-8, 10, 11 and 19-22 were rejected under 35 U.S.C. § 112, first paragraph. Applicant respectfully points out that support for the claim limitations at issue is set forth at pages 13-15 and 18 of Applicant's specification, and in Figs. 1A (element VL) and 1B (elements VL1, VL2). In particular, Figs. 1A and 1B show an optical axis of the intermediate magnification varying part (elements VL1 and VL2) is aligned with the optical axis of the objective lens (OL), and that the intermediate magnification varying part (VL1, VL2) is constructed to be rotated by 180 degrees about its rotation axis at a point 0 on the optical axis of the intermediate magnification varying part (VL1, VL2; page 15, lines 5-10; page 18, lines 23-27) to select one of said high magnification variation state (Fig. 1A; page 13, lines 17-21) and said low magnification variation state (Fig.

1B; page 13, line 26 to page 14, line 4). Therefore, Applicant respectfully requests this rejection be withdrawn.

In the Office Action, Claims 3-8, 10, 11, and 19-22 were rejected under 35 U.S.C. § 103 over Otaki in combination with Kusaka. Without acceding to the rejection under 35 U.S.C. § 103, Claims 19 and 22 are cancelled herein without prejudice or disclaimer, thus rendering the rejections of Claims 19 and 22 moot. With respect to Claims 3-8, 10, 11, and 20-21, this rejection is respectfully traversed.

The disclosure of Otaki relied upon to show an intermediate magnification varying part shows a revolver (20) holding objective lenses in a microscope system. (See Otaki, Figs. 1 and 2.) Otaki's microscope optical system relies on relative spatial positioning of the lens group components (Figs. 6 and 8). In contrast, Kusaka teaches a differential interference optical system that includes a rotatable Nomarski prism (Figs. 12A and 12B, element 12; para. [0075]). Kusaka's differential interference optical system relies on the rotation angle (θ_1) of the prism to control the separation angle between two linearly polarized light rays exiting the prism and to combine the two polarized light rays to cause an interference effect at an analyzer (8). It is apparent that Otaki and Kusaka are directed to different systems. One skilled in the art would

have had no reason to consult the differential contrast system of Kusaka in an attempt to achieve Applicant's invention by modifying the microscope optical system of Otaki with the differential optical system taught by Kusaka. Yonezawa, for its part, does not cure the deficiencies of Otaki. Thus, Applicant respectfully submits that the rejections based on Otaki in combination with Kusaka are not proper and should be withdrawn.

New Claims 23 and 24 have been added herein to protect further aspects of Applicant's invention. New Claims 23 and 24 recite, *inter alia*, a microscope optical system wherein an optical axis of said intermediate magnification varying part is aligned with said optical axis of the objective lens, and said intermediate magnification varying part is constructed to be rotated by 180 degrees about said rotation axis at a point on said optical axis of the intermediate magnification varying part. Claim 23 further provides said intermediate magnification varying part is constructed to be rotated by 180 degrees about said rotation axis at a point on said optical axis of the intermediate magnification varying part to select one of said high magnification variation state and said low magnification variation state. New Claims 23 and 24 are thus believed to be patentable at least for their dependence

from Claims 3 and 5 in addition to the features recited in Claims 23 and 24.

In view of the amendments and remarks presented herein, Applicant respectfully requests an early Notice of Allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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